

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: MICHAEL ANTHONY FASCINELLA
ANN MARIE FASCINELLA

Debtor(s) CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

CASE NO: 5-17-01710-JJT

MICHAEL ANTHONY FASCINELLA
ANN MARIE FASCINELLA

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

COMES NOW, on September 14, 2017, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 521(a), 521(f) and 1307(c), due to unreasonable delay in providing the Trustee a complete copy of the 2016 Federal Tax Return.

Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: September 14, 2017

Respectfully submitted,
s/ Charles J. DeHart, III
Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
e-Mail: dehartstaff@pamd13trustee.com

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IN RE: MICHAEL ANTHONY FASCINELLA
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CHAPTER 13

Debtor(s)

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CHAPTER 13 TRUSTEE
Movant

CASE NO: 5-17-01710-JJT

NOTICE

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for unreasonable delay in providing the Trustee with a complete copy of your 2016 Federal Income Tax Return.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion as indicated below. Any matter not resolved at the Trustee's Conference shall be heard at the dismissal hearing.

CONFERENCE before Trustee:

October 17, 2017 at 9:00 am
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

HEARING:

October 17, 2017 at 09:35 AM
U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the conference or dismissal hearing unless one of the following takes place on or before: **October 10, 2017.**

1. You have provided the Trustee at the following address:
 - (a) with a complete copy of your 2016 Federal income tax return including schedules and forms; or
 - (b) with a statement why you were not required to file a tax return for 2016; or
 - (c) with a copy of your 2016 Form 4868 filed to request an extension of the time to file your tax return.

OFFICE OF THE CHAPTER 13 TRUSTEE
SUITE A, 8125 ADAMS DRIVE
HUMMELSTOWN, PA 17036

2. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the Court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND

TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
e-Mail: dehartstaff@pamd13trustee.com

Dated: September 14, 2017

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Movant

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CERTIFICATE OF SERVICE

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on September 14, 2017.

RICHARD R JENNINGS, ESQ
JENNINGS LAW OFFICE
P.O. BOX 297
SAYRE, PA 18840-0297

MICHAEL ANTHONY FASCINELLA
ANN MARIE FASCINELLA
368 LODER STREET
SAYRE, PA 18840

Respectfully Submitted,
s/Vickie Williams
for Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Fax: (717) 566-8313
e-Mail: dehartstaff@pamd13trustee.com

Dated: September 14, 2017

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CHAPTER 13 TRUSTEE
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ANN MARIE FASCINELLA

MOTION TO DISMISS

Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.